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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,699	10/24/2003	Antonio Belluschi	APV31659	6781

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EXAMINER

SALDANO, LISA M

ART UNIT PAPER NUMBER

3673

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/691,699

**Applicant(s)**

BELLUSCHI, ANTONIO

**Examiner**

Lisa M. Saldano

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/8/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-9, 12-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bidon (4,186,811).

Regarding claim 1-4, Bidon discloses a tractor for agricultural use that is capable for being used for other purposes such as public works (see column 1, lines 1-20). The invention comprises a variable delivery hydraulic pump that drives at least one hydraulic motor. The pump and motor are capable of driving laying means for cables, lines, etc. Bidon discloses a pressure sensor 145, which is detection means, capable of measuring pressure and comparing the value from the sensor to a given value set by an operator (see column 11, lines 15-45). Bidon discloses that if the value of the sensor is higher than the set value, a control opens a distributor valve to reduce delivery. Bidon discloses that the sensor delivers a voltage proportional to the fluid pressure (see column 11).

Regarding claims 7-9, 12-17 and 19, Bidon disclose a hydraulic distributor valve actuated by a control unit that actuates jacks actuating a raising device (see column 3, lines 55-60). The two jacks are capable for use as laying means.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bidon as applied to claim 1 above, and further in view of Bowers (6,200,176).

Bidon discloses the invention described above.

However, Bidon fails to disclose a pre-loading pump.

Bowers discloses a jet drive pumps preloader for reducing cavitation in a hydraulic circuit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bidon to provide a pump preloader, as taught by Bowers, because Bowers clearly discloses that a preloader provides the ability to reduce cavitation within a hydraulic circuit. This is desirable, because cavitation is a main source of destruction within the hardware of hydraulic systems. Reducing cavitation would aid in preservation of the system's hardware.

5. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bidon as applied to claim 1 above, and further in view of Dantlgraber et al (5,613,361).

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Bidon discloses the invention described above. Bidon discloses that the invention provides for reverse drive control (see column 5, lines 40-55).

However, Bidon fails to disclose reversible feed features and limiting valves.

Dantlgraber discloses a hydraulic circuit comprising a pump with reversible feed for reverse rotation movement (see column 5, lines 25-40).

Regarding claim 10, Dantlgraber discloses a pressure limiting valve 292 that makes it possible to maintain a sufficiently high remaining pressure in a line 234 (see column 7, lines 15-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hydraulic circuit of Bidon to comprise a feed pump of reversible type, as suggested by Dantlgraber because Dantlgraber clearly discloses that reverse rotation movement in a hydraulic circuit can be achieved by use of a pump with reversible feed. Therefore, the objective of reverse movement as disclosed and suggested by Bidon can be achieved through the functional equivalent provided by Dantlgraber.

Furthermore, it would have been obvious to one of ordinary skill in the art to modify the Bidon invention to include a limiting valve because it that makes it possible to maintain a sufficiently high remaining pressure in a line, when desired.

6. Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bidon (4,186,811).

Bidon discloses a tractor for agricultural use that is capable for being used for other purposes such as public works (see column 1, lines 1-20). The invention comprises a variable

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delivery hydraulic pump that drives at least one hydraulic motor. The pump and motor are capable of driving laying means for cables, lines, etc. Bidon discloses a pressure sensor 145, which is detection means, capable of measuring pressure and comparing the value from the sensor to a given value set by an operator (see column 11, lines 15-45). Bidon discloses that if the value of the sensor is higher than the set value, a control opens a distributor valve to reduce delivery. Bidon discloses that the sensor delivers a voltage proportional to the fluid pressure (see column 11).

Although Bidon fails to disclose a method for laying cables, lines, etc, as claimed by the applicant of the present invention, Bidon clearly discloses that the tractor with its hydraulic circuit is for use for other purposes, such as public works. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the invention of Bidon for installations as claimed by the applicant, because an artisan of civil works would use a tractor in any capable means and it is certainly capable of being used for installations such as those claimed by the applicant.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wahlmark (2,243,139), Lebreton (4,904,115), Yoshimura et al (6,170,262) and Karakama et al (5,481,872) disclose features that are pertinent to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



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